

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JASON IDE, WALTER TAYLOR and DANIEL
BELMONTE, as Trustees of the Teamsters Local 814 Pension
Fund,

Plaintiffs,

-v-

ACCURATE MOVING SYSTEMS, INC.,
EXECUTIVE TRIM LLC, and EXECUTIVE TRIM
CONSTRUCTION, INC. d/b/a EXECUTIVE GROUP

Defendants.

21 Civ. 4979 (PAE)

ORDER

EXECUTIVE TRIM, LLC,

Third-Party Plaintiff,

-v-

TEAMSTERS LOCAL 814 and MAUREEN CAGGIANO,

Third-Party Defendants.

PAUL A. ENGELMAYER, District Judge:

On October 18, 2021, third-party defendant Teamsters Local 814 filed a motion to dismiss the third-party complaint of Executive Trim LLC, Dkt. 18, under Federal Rules of Civil Procedure 12(b)(1) and (6). Dkt. 26. Under Rule 15(a)(1)(B), a third-party plaintiff has 21 days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

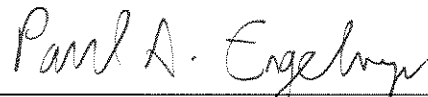
Accordingly, it is hereby ORDERED that the third-party plaintiff shall file any amended third-party complaint by **November 8, 2021**. No further opportunities to amend will ordinarily be granted. If the third-party plaintiff does amend, by **November 29, 2021**, the third-party defendant shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the

Court, copying the third-party plaintiff, stating that it relies on the previously filed motion to dismiss.¹

It is further ORDERED that if no amended complaint is filed, the third-party plaintiff shall serve any opposition to the motion to dismiss by **November 8, 2021**. The third-party defendant's reply, if any, shall be served by **November 22, 2021**. At the time any reply is served, the moving party shall supply the Court with a courtesy copy of all motion papers by attaching them as PDF files to a single email addressed to EngelmayerNYSDChambers@nysd.uscourts.gov.

The Court will determine later, after receipt of the third-party plaintiff's anticipated brief opposing a motion to dismiss the current or amended complaint, whether to schedule oral argument.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: October 20, 2021
New York, New York

¹ If the third-party defendant files a new motion to dismiss or relies on its previous motion, the third-party plaintiff's opposition will be due 14 days thereafter, and the third-party defendant's reply, if any, will be due seven days after that.